

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1319 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

SHAH SHALINE YASWANTKUMAR

Versus

COMMISSIONER

Appearance:

MR YN OZA for Petitioner

SERVED BY DS for Respondent No. 1, 2

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 25/02/97

ORAL JUDGEMENT

Rule. Ms. Harsha Dewani, learned A.G.P.waives service of notice of rule on behalf of the respondents.

At the request of learned Advocates appearin for the parties, the petition is heard today.

By means of filing this petition under Article 226 of the Constitution,the petitioner has prayed to issue writ of mandamus or any other appropriate writ or

order directing the respondents to give admission to the petitioner to Bachelor of Sudh Ayurvedic Medicine (B.S.A.M.) at Bhavnagar in the order of merit.

The petition was placed for admission hearing before Court on February 12,1997 and after hearing the learned Counsel for the petitioner, notice was issued making it returnable on February 17,1997. Today during the course of hearing of the petition, learned Counsel for the respondents has produced communication dated February 24,1997 issued by State Liaison Officer, Indian Medicine and Homeopathy System, Gujarat State, Gandhinagar. It is ordered to be taken on record of the petition. It indicates that four seats in general category are available at Government Ayurved College, Junagadh; whereas one seat in general category is available at J.P.Ayurved College, Bhavnagar.

From the averments made in the petition, it is evident that father of the petitioner had submitted application dated December 24,1996 for reconsidering the case of the petitioner and for giving admission to the petitioner in J.P.Ayurved College, Bhavnagar so as to enable him to prosecute further studies. It is not brought to the notice of the Court on behalf of the respondents that any other more meritorious student is eligible to get admission on the seat meant for general category so far as J.P.Ayurved College,Bhavnagar is concerned. Therefore, following direction is given. The respondents are directed to give admission to the petitioner to Bachelor of Sudh Ayurvedic Medicine (B.S.A.M.) course being run at J.P.Ayurved College, Bhavnagar. Rule is made absolute to the extent indicated hereinabove, with no order as to costs. D.S.Permitted.
